

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 30, 2008. At the time of the Office Action, and according to ArthroCare's records, Claims 1-27, 29, 31 33-38 and 40-63 were pending in this Application. The last amendment was filed on June 12, 2002, canceling claims 28, 30 and 32 and withdrawing claim 39 due to an election/restriction requirement.

The Office Action mailed June 30, 2008, set forth an election/restriction requirement of the claimed inventions between:

- I. **Claims 24-29, 31, and 33-63**, drawn to an apparatus for applying electrical energy to patient's outer skin, (classified in class 606, subclass 41).
- II. **Claims 1-23**, drawn to a method of applying electrical energy to a patient's outer skin, (classified in class 604, subclass 500).

In a conference call with Examiner Manuel Mendez and Angela Loding with ArthroCare Corporation on July 28, 2008, it was determined that the current pending claims were unclear. The Examiner requested that Applicants submit a listing of the claims that they believe are the most recent version of the pending claims and which are to be examined in the instant application. Applicants respectfully request that amendment filed June 12, 2002, be considered and examined in the instant application. Applicants submit hereto a current version of the listing of the claims, after incorporating the amendments as filed on June 12, 2002, for the Examiner's consideration.

Applicants hereby elect, without traverse, to prosecute the invention of Group II, Claims 1-23. Accordingly, Applicants hereby withdraw claims 24-29, 31, and 33-63 without prejudice or disclaimer and submit that the cancelled claims are subject to the filing of a divisional application. Applicants respectfully request consideration of elected claims 1-23 and favorable action in this case.

Information Disclosure Statement

Applicants enclose an Information Disclosure Statement and PTO Form 1449, with copies of the references for the Examiner's review and consideration.

Applicants would like to bring to the Examiner's attention that Applicants filed an Information Disclosure Statement on December 19, 2007. Applicants respectfully request that the Information Disclosure Statement be considered and cited in the examination of the above-referenced application.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

The Commissioner is hereby authorized to charge \$180 for the IDS and any additional fees necessary or credit any overpayment to Deposit Account No. 50-0359 of ArthroCare Corporation in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.358.5925.

Respectfully submitted
Attorney for Applicants,



Matthew Scheele
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Date: 7/30/08

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Enclosure: 1) Information Disclosure Statement and PTO Form 1449, with copies of the references.